IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 3999 of 2005

Between:

Y.V. Ramana, S/o. Y.V. Satyanarayana,
R/o. Near Milk Dairy, Kurnool Road, Ongole, Prakasam District.

..... PETITIONER

AND

1 The Regional Manager, A.P.S.R.T.C., Prakasam Region, Ongole, Prakasam District.
2 The Depot Manager, A.P.S.R.T.C., Ongole, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or direction more particularly in the nature of Writ of Mandamus declaring the action of the Respondents in calling for the Tenders for Cycle Stand, Scooter Stand and for vacant land in Ongole Bus Station, by Tender Notification dated 14-02-2005 published in Andhra Jyothi Daily News Paper, Prakasam District dated 18-02-2005, vide Proceedings No. 02/122 (0f)/2005 RM/(0), while existing of the Petitioner's Licence to run the same, as illegal, arbitrary and against to the provisions of Natural Justice.

Counsel for the Petitioner: MR.K.VENKATA REDDY

Counsel for the Respondents: MR.R.MANMADHA REDDY

The Court made the following :

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ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in calling for the Tenders for running Cycle Stand and Scooter Stand in the vacant land at Ongole Bus Station by Tender Notification, dated 14.2.2005 vide Proceedings No.02/122 (of)/2005 RM/(0) published in Andhra Jyothi Daily, Prakasam Edition, dated 18.2.2005 as illegal and arbitrary.

The petitioner is the highest bidder in pursuance of the tender notice called by the 1st respondent on 19.8.2004 in the Eenadu Daily for running Cycle and Scooter Stand in the open place at Ongole Bus Station. After execution of the agreement of the licence deed, dated 23.12.2004, the respondents issued another notification calling for the tenders for running Cycle and Scooter Stand of about 1500 sq. feet.

The learned counsel for the petitioner has contended that the petitioner is the licensee for running Cycle and Scooter Stand and he is paying a licence fee of Rs.25,299/-, and without there being any notice to the writ petitioner, the 2nd notification, calling for the same purpose, has been published. Therefore, he prays to allow the writ

petition.

On the other hand, the learned standing counsel for the respondents has contended that the licenser-respondents-corporation shall have the right to grant more than one licence to do the same business which is already in existence at the same Bus Station, Commercial Complex, as per the terms and conditions entered into on 23.12.2004. Therefore, the present notification is completely in consonance with the terms and conditions of the licence deed. Hence, he prays to dismiss the writ petition.

There cannot be any dispute that the petitioner is bound by the terms of the license deed, dated 23.12.2004. Clause No.27 of the deed would reveal that the licenser shall have the right to grant more than one licence to do the same business which is already in existence at the same Bus Stand, Commercial Complex. This clause is very much clear that the respondents-corporation can grant licence to one or more persons to do the same business. Inasmuch as the petitioner is one of the signatories of the licence deed and the licensee is bound by the terms of the licence, he cannot have any right to challenge. The respondents have not raised any point with regard to the issuance of notification. In the absence of infringement of any legal right, the writ petition is devoid of merit.

The writ petition is accordingly dismissed. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU,J)

3rd March, 2005.

bcj

To

1 The Regional Manager, A.P.S.R.T.C., Prakasam Region, Ongole, Prakasam District.
2 The Depot Manager, A.P.S.R.T.C., Ongole, Prakasam District.

3 Two C.D. copies.